

REMARKS

35 USC §102

Claims 27-37 are rejected under 35 USC §102 as being anticipated by Okada (US 4894411).
The Applicant respectfully disagrees.

Claim 27 recites: “A plurality of micron-size solid particles, comprising at least one polyamide compound, wherein the particles consist of a diameter of less than about 4 microns and wherein the at least one polyamide compound comprises a nylon compound.” This claim is clear in that the micron-size solid particles comprise at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound.

The Okada reference is not really relevant when considering claim 27 for the following reasons. First, the Okada reference does not disclose utilizing micron-size solid particles comprising at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound. The Okada reference discloses utilizing an “additive” that is a substance used to control the crystalline structure or molecular structure of the resin. In Column 5 of the Okada reference, Okada specifically discloses that:

“...where the additive is a substance other than polyamine, it is considered that the additive is uniformly dispersed or dissolved in the resin, and it is connected to the resin by Van der Waals’ forces. The additive suppresses the growth of the crystal grains of the resin through interaction with the layered silicate, thereby reducing the diameter of the spherulite. It is desirable that the polyamide-containing resin in the composite mater should have a maximum spherulite diameter of 1 μm or below which is observed under a polarization microscope.”

In this paragraph, Okada isn’t saying that the spherulites are polyamide compounds, but instead is pointing out that *when the additive isn’t polyamine based*, it should be a spherulite having a

diameter of 1 μm or below. Therefore, this reference not teaching the subject matter of claim 27 at all. The Okada reference continues to distinguish throughout the patent the difference between a polyamine additive and another type of additive. When the additive is polyamine additive, it is added in polymer form in order to produce certain crosslinking reactions. The Applicant could not find any reference in the Okada patent that suggests or teaches that the polyamine polymers are added as micron-sized solid particles.

In addition, Okada does not teach all of the claimed elements of the present application. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention “**arranged as in the claim**”. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Okada does not teach micron-size solid particles comprising at least one polyamide compound. The Okada reference discloses utilizing an “additive” that is a substance used to control the crystalline structure or molecular structure of the resin. Based on this argument, along with others such as that discussed above, Okada does not anticipate claim 27 of the present application because Okada is lacking and/or missing at least one specific feature or structural recitation found in the present application, and in claim 27. Claim 27 is therefore allowable as not being anticipated by Okada. Further, Okada does not anticipate claims 28-37 of the present application by virtue of their dependency on claim 27.

Claims 27-37 are rejected under 35 USC §102 as being anticipated by Smith (US 5407985).
The Applicant respectfully disagrees.

Claim 27 recites: “A plurality of micron-size solid particles, comprising at least one polyamide compound, wherein the particles consist of a diameter of less than about 4 microns and wherein the at least one polyamide compound comprises a nylon compound.” This claim is clear in that the micron-size solid particles comprise at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound.

The Smith reference is not really relevant when considering claim 27 for the following reasons. First, the Smith reference does not disclose utilizing micron-size solid particles comprising at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound. The Smith reference discloses forming emulsions of microdispersions in which the **droplets are made of molten polymerized fatty acid polyamide resin.** These droplets of molten polymerized fatty acid polyamide resins are not nylon resins, for many reasons, but especially because nylon resins comprise monomers having 6 carbons and the polymerized fatty acid polyamide resins in Smith are made up of aliphatic carboxylic acids having 8 to 24 carbon atoms.

Second, the Smith reference walks the reader through a detailed procedure for making emulsions of microdispersions of these molten polymerized fatty acid polyamide resins, but does not disclose that these methods will work on smaller resin particles made up of different components. One of ordinary skill in the art would not read this disclosure and consider attempting this specialized procedure on other materials, especially given the disclosures in Columns 5 and 6 where Smith points out that it is desirable to use polymerized fatty acid polyamide resins. There is nothing in this reference that would anticipate utilizing smaller nylon compounds. There is no teaching or suggestion that would motivate one of ordinary skill in the art to utilize the methods taught in Smith on nylon compounds.

Third, it is clear that the microdispersions taught in Smith and the micro-particles taught in the present application are made from different materials, and therefore, they cannot possibly be the

same despite the size limitations or prescriptions. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention “**arranged as in the claim**”. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Based on these arguments, along with others such as that discussed above, Smith does not anticipate claim 27 of the present application because Smith is lacking and/or missing at least one specific feature or structural recitation found in the present application, and in claim 27. Claim 27 is therefore allowable as not being anticipated by Smith. Further, Smigh does not anticipate claims 28-37 of the present application by virtue of their dependency on claim 27.

35 USC §103

Claims 27-37 are rejected under 35 USC §103 as being unpatentable over Smith (US 5407985) in view of Ogawa (US 5139760). The Applicant respectfully disagrees.

Claim 27 recites: “A plurality of micron-size solid particles, comprising at least one polyamide compound, wherein the particles consist of a diameter of less than about 4 microns and wherein the at least one polyamide compound comprises a nylon compound.” This claim is clear in that the micron-size solid particles comprise at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound.

The Smith reference is not really relevant when considering claim 27 for the following reasons. First, the Smith reference does not disclose utilizing micron-size solid particles comprising at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound. The Smith reference discloses forming emulsions of microdispersions in which the **droplets are made of molten polymerized fatty acid polyamide resin.** These droplets of molten polymerized fatty acid polyamide resins are not nylon resins, for many reasons, but especially because nylon resins comprise monomers having 6 carbons and the polymerized fatty acid polyamide resins in Smith are made up of aliphatic carboxylic acids having 8 to 24 carbon atoms.

Second, the Smith reference walks the reader through a detailed procedure for making emulsions of microdispersions of these molten polymerized fatty acid polyamide resins, but does not disclose that these methods will work on smaller resin particles made up of different components. One of ordinary skill in the art would not read this disclosure and consider attempting this specialized procedure on other materials, especially given the disclosures in Columns 5 and 6 where Smith points out that it is desirable to use polymerized fatty acid polyamide resins. There is nothing in this reference that would anticipate utilizing smaller nylon compounds. There is no teaching or suggestion that would motivate one of ordinary skill in the art to utilize the methods taught in Smith on nylon compounds.

Third, it is clear that the microdispersions taught in Smith and the micro-particles taught in

the present application are made from different materials, and therefore, they cannot possibly be the same despite the size limitations or prescriptions.

The Ogawa reference cannot possibly cure the defects found in the Smith reference, because the Ogawa reference does not disclose utilizing at least one polyamide compound, wherein the at least one polyamide compound comprises a nylon compound in order to produce a plurality of micron-size particles, since Ogawa is only being used to address nucleating agents by the Examiner's own admission. Therefore, the Ogawa reference can be removed as a reference when applied to Smith, since Smith does not render unpatentable the claims of the present application.

Honeywell Docket No. H0001324 - 4690
Buchalter Docket No.: H9910-0505

REQUEST FOR ALLOWANCE

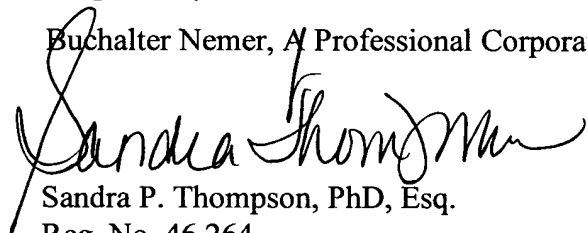
Claims 27-28 and 30-37 are pending in this application, and the Applicant respectfully requests that the Examiner reconsider the claims in light of the arguments presented and allow all pending claims.

Respectfully submitted,

Buchalter Nemer, A Professional Corporation

Dated: December 26, 2006

By:

A handwritten signature in black ink, appearing to read "Sandra Thompson", is written over the printed name and title.

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